

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE: BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC
MDL 2641

**AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint in MDL No. 2641 by reference (Doc 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

~~[Martin C. Coleman]~~ Martin C. Colman

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

California

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

California

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

California

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Central District of California

8. Defendants (check Defendants against whom Complaint is made):



C.R. Bard Inc.



Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:



Diversity of Citizenship



Other: _____

- a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (check applicable Inferior Vena Cava Filter(s)):



Recovery[®] Vena Cava Filter



G2[®] Vena Cava Filter



G2[®] Express (G2[®]X) Vena Cava Filter



Eclipse[®] Vena Cava Filter



Meridian[®] Vena Cava Filter

☐

Denali[®] Vena Cava Filter

☐

Other: _____

11. Date of Implantation as to each product:

03/24/2011

12. Counts in the Master Complaint brought by Plaintiff(s):

☒

Count I: Strict Products Liability – Manufacturing Defect

☒

Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒

Count III: Strict Products Liability – Design Defect

☒

Count IV: Negligence - Design

☒

Count V: Negligence - Manufacture

☒

Count VI: Negligence – Failure to Recall/Retrofit

☒

Count VII: Negligence – Failure to Warn

☒

Count VIII: Negligent Misrepresentation

☒

Count IX: Negligence *Pro Se*

☒

Count X: Breach of Express Warranty

☒

Count XI: Breach of Implied Warranty

☒

Count XII: Fraudulent Misrepresentation

☒

Count XIII: Fraudulent Concealment

☒

Count XIV: Violations of Applicable California (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

☐

Count XV: Loss of Consortium

- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting this Count in the space, immediately below)

RESPECTFULLY SUBMITTED this 10th day of January, 2019.

MURPHY LAW FIRM, LLC

/s/ Peyton P. Murphy

PEYTON P. MURPHY (LA Bar #22125)

(admitted *pro hac vice*)

2354 S. Acadian Thruway

Baton Rouge, LA 70808

Telephone: (225) 928-8800

Facsimile: (225) 246-8780

Email: Peyton@MurphyLawFirm.com

TODD C. COMEAUX (LA Bar #23453)

TODD C. COMEAUX, LLC.

4880 Bluebonnet Boulevard, Suite A

Baton Rouge, LA 70809

Telephone: (225) 706-9000

Facsimile: (225) 706-9001

Email: TC@ComeauxLawFirm.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify on this 10th day of January, 2019, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Peyton P. Murphy

Peyton P. Murphy (LA Bar #22125)